

D.B.CRIMINAL LEAVE TO APPEAL NO.200/2005
State of Rajasthan vs. Moola Ram

DATE OF ORDER:02.06.2006

HON'BLE MR.JUSTICE N.N.MATHUR
HON'BLE MR.JUSTICE MANAK MOHTA

Mr.Vishnu Kachhawaha, Public Prosecutor

BY THE COURT(PER HON'BLE MR.MATHUR J.)

We have heard the learned Public Prosecutor and perused the judgment of the Special Judge, SC/ST (Prevention of Atrocities) Case & Additional Sessions Judge, Merta dated 6.5.2005 acquitting the accused respondent of offence under Section 302 read with 120-B I.P.C.

The respondent Moola Ram was tried for the charge of murder of one Uda Ram. It is alleged that deceased Uda Ram and his brother Purkha Ram lived in a Dhani to take care of the cattle. On 5th March, 2005 Madhu Ram lodged the First Information Report stating that in the morning of 5th May, 2004 his brother Uda Ram was found dead. There were injuries on his body. On inquiry from Purkha Ram, it revealed that in the night some persons entered in the Dhani and killed Uda Ram. It was also disclosed that Purkha Ram is a mentally retarded person.

During the trial prosecution examined 14 witnesses and produced certain document. In his statement under Section 313

of the Code of Criminal Procedure the appellant denied the correctness of the prosecution evidence appearing against him. He also stated that his relation with Uda Ram was extremely cordial. He also stated that it was the complainant Likhma Ram and Madharam, who were interested to grab the entire land of the family. They did not even allow the marriage of Purkha Ram and Uda Ram. They used to torture deceased Uda Ram and Purkha Ram. He has been falsely implicated at the instance of Madha Ram and Likhma Ram. On scrutiny of the entire evidence, the trial court found that there is neither any ocular evidence nor circumstantial evidence to connect the accused respondent with the alleged crime.

Having gone through the entire judgment, we find no evidence worth the name to connect the appellant with the alleged crime. No case is made out for grant of leave to appeal. The application for grant of leave to appeal stands rejected.

(MANAK MOHTA) J.

(N.N.MATHUR) J.

BKS/-